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REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 1-8 remain pending in this application.

I. Telephone interview

Applicant would like to thank the Examiner for the telephone interview conducted on November 18, 2005 with the Applicant's representative, James Larson. During the interview, Applicant highlighted distinctions between the claims and the cited reference, including that the reference does not disclose an open-close device, and does not disclose a space surrounded by a roof member, a side member and a strengthening member. Although no formal agreement was reached that the claims are allowable, the Examiner did indicate that the arguments seemed convincing.

II. Claim amendments

Claim 1 is amended in the manner suggested by the Examiner.

Claim 5 is amended to recite a "connecting part", consistent with the term used in claim 1.

Claim 6 is amended to recite a "reinforced member", consistent with the term used in claim 3. In addition, the word "side" has been reintroduced back into the claim, consistent with the form of the claim filed on January 21, 2005.

No new matter has been added.

III. Claim objection

Claim 1 is objected to for the reason noted. Claim 1 has been amended in the manner suggested by the Examiner.

IV. Claim rejections

Claims 1 and 7-8 are rejected as being anticipated by Eberle et al. (US 6,595,580). Applicant respectfully traverses.

Eberle does not teach each and every feature recited in claim 1, so Eberle cannot anticipate claim 1.

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The rejection characterizes Eberle as disclosing a roof member T1, a side member T2, a connecting part 15 and a strengthening member 7. Applicant disagrees that elements 15 and 7 constitute a connecting part and a strengthening member as claimed, for the reasons explained in the response filed on June 24, 2005.

Nonetheless, based on this characterization of Eberle, Eberle does not disclose a vehicle door open-close device arranged in a space surrounded by the element T1, the element T2 and the element 7. As best seen in Figures 3 and 5 of Eberle, the element 7 is disposed on top of the elements T1, T2 (column 3, lines 24-26). The top of the element 7, which is open, is closed by the element 15 (Figure 5). Since the top of the element 7 is open, the components within the element 7, including the springs 3, 4, are not in a space surrounded by the elements T1, T2 and 7.

The word "surround" means "to enclose on all sides". Merriam-Webster Online Dictionary, www.m-w.com. However, the top of the element 7 is open. As a result, the elements T1, T2, and 7 do not enclose the springs 3, 4 on all sides. Claim 1 recites that the open-close device is arranged in a space surrounded by the roof member, the side member and the strengthening member. At least these three elements define a space that surrounds the open-close device. Yet, the elements T1, T2, and 7, which the Examiner equates to the roof member, the side member and the strengthening member, respectively, do not define a space that surrounds the springs 3, 4 since the element 7 is open at its top.

Therefore, Eberle does not disclose a vehicle door open-close device arranged in a space surrounded by a roof member, a side member, and a strengthening member.

In addition, Eberle does not disclose an open-close device to automatically open and close a vehicle door by means of a driving force as recited in claim 1. Eberle discloses pneumatic springs 3, 4 which assist in providing controlled opening and closing movements of a vehicle door upon opening and closing the door. However, the springs do not form a part of a open-close device to automatically open and close a vehicle door by means of a driving force. In Eberle, the door is manually opened and manually closed, with the springs 3, 4 damping the door movements.

Claims 7 and 8 depend from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicant does not concede the

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correctness of the rejections to claims 7 and 8. In fact, with respect to claim 8, Applicant submits that element 7 in Eberle is not a diagonal beam.

V. Allowable subject matter

Claims 2-6 are objected to as being dependent upon a rejected base claim and have been rewritten in independent form. Claims 1, 7 and 8 are allowable along with claims 2-6 for the reasons noted above.

VI. Conclusion

In view of the above, early issuance of a notice of allowance is solicited. Any questions regarding this communication can be directed to the undersigned attorney, Curtis B. Hamre, Reg. 29,165, at (612) 455-3802.



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Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902-0902
Minneapolis, MN 55402-0902
(612) 455-3800

By: Curtis B. Hamre
Curtis B. Hamre
Reg. No. 29,165
CBH/jal